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May 16, 2014

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Cooper B Line Inc.
Kirk S. Hachigian, President and CEO
c/o Corporation Service Company – Lawyers Incorporating Service
Agent for Service of Process
2710 Gateway Oaks Dr., Ste 150N
Sacramento, CA 95833

Eaton Corporation
Alexander M. Cutler, CEO
c/o C T Corporation System
Agent for Service of Process
818 West Seventh St., 2nd Floor
Los Angeles, CA 90017

Eaton Corporation
Alexander M. Cutler, CEO
1000 Eaton Boulevard
Cleveland, OH 44122

Cooper B Line Inc.
Kirk S. Hachigian, President and CEO
509 W Monroe Street
Highland, IL 62249

Cooper B Line Inc.
Alfredo Munoz, Environmental Health and Safety Manager
1375 Sampson Ave.
Corona, CA 92879

**RE: Notice Of Violations And Intent To File Suit Under The Federal Water
Pollution Control Act Concerning Cooper B Line Inc., 1375 Sampson Ave.,
Corona, California, WDID No. 8 33I023451**

Dear Cooper B Line Inc., Eaton Corporation, and Alfredo Munoz,

The Law Office of Gideon Kracov (hereinafter "**Office**") on behalf of the Center for Community Action and Environmental Justice (hereinafter "**CCA EJ**") is contacting you concerning Clean Water Act (hereinafter "**CWA**" or "**Act**") violations at Cooper B Line Inc. facility at 1375 Sampson Ave., Corona, California (hereinafter "**Facility**"). This letter is being sent to you, Cooper B Line Inc., Eaton Corporation, Kirk S. Hachigian, Alfredo Munoz, as the responsible owners, officers, or operators of the Facility (collectively hereinafter "**Cooper B Line**").

CCA EJ is a non-profit public benefit corporation dedicated to working with communities to advocate for environmental justice and pollution prevention. CCA EJ has members living in the community adjacent to the Facility and the Santa Ana River Watershed, including Prado Dam. CCA EJ and its members are deeply concerned with protecting the environment in and around their communities, including the Santa Ana Watershed.

This letter addresses Cooper B Line unlawful discharge of pollutants from the Facility through the municipal storm sewer system into Arlington Channel, Temescal Creek, Prado Flood Control Basin and Santa Ana River. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System (hereinafter "**NPDES**") Permit No. CA S000001, California State Water Resources Control Board (hereinafter "**State Board**") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "**General Permit**").¹ The WDID identification number for the Facility listed on documents submitted to the California Regional Water Quality Control Board, Santa Ana Region ("**Regional Board**") is 8 33I023451. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the CWA requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency (hereinafter "**EPA**"), and the State in which the violations occur.

As required by the Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Cooper B Line is hereby placed on formal notice by CCA EJ that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CCA EJ intends to file suit in federal court against Cooper B Line under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for

¹ On April 1, 2014, the State Board reissued the General Permit, continuing its mandate that industrial facilities implement the best available technology economically achievable ("**BAT**") and best conventional pollutant control technology ("**BCT**") and, in addition, establishing numeric action levels mandating additional pollution control efforts. State Board Order 2014-0057-DWQ. The new permit, however, does not go into effect until July 1, 2015. Until that time, the current General Permit remains in full force and effect.

violations of the CWA and General Permit. These violations are described more extensively below.

I. BACKGROUND.

On or about December 22, 2011,² Cooper B Line filed a Notice of Intent to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity (hereinafter “**NOI**”). In its NOI, Cooper B Line certified that the Facility is classified under SIC Code 3499 (Fabricated Metal Products). Cooper B Line manufactures and fabricates metal products used in support of Pipe Hangers and Support Equipment for industrial, commercial, utility and HVACR applications. Cooper B Line products include support products such as beam clamps, pipe hangers, pipe clamps, pipe rollers, pipe supports, concrete inserts and brackets. On information and belief, CCAEJ alleges that the Facility collects and discharges storm water from its industrial site into at least two storm drain outfalls located at the Facility. On information and belief, the outfalls discharge into the County’s municipal storm sewer system, which flows into Arlington Channel, Temescal Creek, Prado Flood Control Basin and Santa Ana River.

The Regional Board has identified beneficial uses of the Santa Ana Watershed, including Arlington Channel, Temescal Creek, Prado Flood Control Basin and Santa Ana River , and established water quality standards for the Santa Ana River and its tributaries in “The Water Quality Control Plan (Basin Plan) for the Santa Ana River Basin” (hereinafter “**Basin Plan**”). See California Regional Water Quality Control Board, Santa Ana Region, The Water Quality Control Plan (Basin Plan) for the Santa Ana River Basin (2011), *available at* http://www.swrcb.ca.gov/rwqcb8/water_issues/programs/basin_plan/index.shtml.

The beneficial uses of Temescal Creek, Prado Flood Control Basin and Santa Ana River include, among others, municipal and domestic supply, agricultural supply, groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, wildlife habitat, and rare, threatened or endangered species.

The Basin Plan includes a narrative toxicity standard which states that “[t]oxic substances shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health.” *Id.* at 4-17. The Basin Plan includes a narrative oil and grease standard which states that “[w]aste discharges shall not result in deposition of oil, grease, wax, or other material in concentrations which result in a visible film or in coating objects in the water, or which cause a nuisance or adversely affect beneficial uses.” *Id.* at 4-15. The Basin Plan includes a narrative suspended and settleable solids standard which states that “waters shall not

² Cooper B Line’s NOI is dated June 21, 2012, but the Facility’s Stormwater Pollution Prevention Plan (“**SWPPP**”) certified December 14, 2011 indicates that authorized discharges started on October 14, 2011 at the latest.

contain suspended or settleable solids in amounts which cause a nuisance or adversely affect beneficial uses . . .” *Id.* at 4-16. The Basin Plan includes a narrative floatables standard which states that “[w]aste discharges shall not contain floating materials, including solids, liquids, foam or scum, which cause a nuisance or adversely affect beneficial uses.” *Id.* at 4-11. The Basin Plan includes a narrative color standard which states that “[w]aste discharges shall not result in coloration of the receiving waters which causes a nuisance or adversely affect beneficial uses.” *Id.* at 4-10. The Basin Plan includes a narrative turbidity standard which states that “inland surface waters . . . shall be free of changes in turbidity which adversely affect beneficial uses.” *Id.* at 4-18. The Basin Plan provides that “the pH of inland surface waters shall not be raised above 8.5 or depressed below 6.5...” *Id.* at 4-15.

EPA has promulgated the California Toxics Rule (hereinafter “CTR”), establishing freshwater numeric water quality standards known as Criteria Maximum Concentration (hereinafter “CMC”) for Zinc of 0.120 mg/L (CMC); Copper of 0.009 mg/L (CMC); and for Lead of 0.065 mg/L (CMC). 40 C.F.R. § 131.38.³

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (hereinafter “BAT”) and best conventional pollutant control technology (hereinafter “BCT”). The following benchmarks have been established for pollutants discharged by Cooper B Line: Total Suspended Solids (TSS) – 100 mg/L, pH 6-9 s.u., Zinc (Zn) – 0.26 mg/L, Nitrate + Nitrate as Nitrogen (N+N) – 0.68 mg/L, Iron (Fe) – 1.0 mg/L, and Aluminum (Al) – 0.75 mg/L.⁴ U.S. Environmental Protection Agency, Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (2009) 52, 136 (hereinafter “MSGP”).

II. ALLEGED VIOLATIONS OF THE NPDES PERMIT.

a. Discharges In Violation Of The Permit Not Subjected To BAT/BCT.

Cooper B Line has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to

³ The values for Zinc are expressed as a function of total hardness (mg/L) in the water body and correspond to a total hardness of 100 mg/L.

⁴ The values for Zinc are expressed as a function of total hardness (mg/L) in the water body and correspond to a total hardness of 250+ mg/L.

BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are Total Suspended Solids, Oil and Grease, pH, Biochemical Oxygen Demand, and Fecal Coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.* §§ 401.15, 401.16.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

Cooper B Line has discharged and continues to discharge storm water with unacceptable levels of TSS, pH, Zinc, N+N, Iron, Aluminum and other pollutants in violation of the General Permit. Cooper B Line's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility contained concentrations of pollutants in excess of numeric water quality standards established in the Basin Plan or the CTR, evidencing past and ongoing violations of General Permit Discharge Prohibitions A(1) and A(2), Effluent Limitation B(3) and Receiving Water Limitations C(1) and C(2).

Date	Parameter	Observed Concentration	Basin Plan or EPA Water Quality Standard/ EPA California Toxics Rule	Outfall (as identified by the Facility)
2/8/2013	Zinc	0.66 mg/L	0.12 mg/L (CMC)	East Gate
2/8/2013	Zinc	1.2 mg/L	0.12 mg/L (CMC)	West Gate
4/11/2012	Zinc	0.58 mg/L	0.12 mg/L (CMC)	East Gate
4/11/2012	Zinc	0.26 mg/L	0.12 mg/L (CMC)	West Gate
4/11/2012	N+N	9.7 mg/L	10 mg/L	East Gate
4/11/2012	N+N	11 mg/L	10 mg/L	West Gate
1/21/2012	N+N	52 mg/L	10 mg/L	West Gate
2/8/2013	pH	6.38 s.u.	6.5-8.5 s.u.	East Gate
2/8/2013	pH	6.37 s.u.	6.5-8.5 s.u.	West Gate
4/11/2012	pH	3.6 s.u.	6.5-8.5 s.u.	East Gate
4/11/2012	pH	3.52 s.u.	6.5-8.5 s.u.	West Gate
1/21/2012	pH	2.6 s.u.	6.5-8.5 s.u.	West Gate

The information in the above table reflects data gathered from Cooper B Line self-monitoring during the 2011-2012 and 2012-2013 wet seasons. CCAEJ alleges that during each of these wet seasons and continuing through today, Cooper B Line has discharged storm water contaminated with pollutants at levels or observations that exceed or violate one or more applicable water quality standards, including, but not limited to, each of the following:

- pH – 6.5-8.5 s.u, Basin Plan at 4-15;
- Nitrate as Nitrogen – 10 mg/L, Basin Plan at 4-14;
- Zinc – 0.12 mg/L (CMC), 40 C.F.R. § 131.38;

The following discharges of pollutants from the Facility contained concentrations of pollutants in excess of numeric water quality benchmarks established by EPA in the MGSP (“EPA Benchmarks”), evidencing past and ongoing violations of General Permit Discharge Prohibitions A(1) and A(2), Effluent Limitation B(3) and Receiving Water Limitations C(1) and C(2).

Date	Parameter	Observed Concentration	EPA Benchmarks	Location (as identified by the Facility)
2/8/2013	TSS	350 mg/L	100 mg/L	East Gate
2/8/2013	TSS	1100 mg/L	100 mg/L	West Gate
4/11/2012	TSS	150 mg/L	100 mg/L	East Gate
4/11/2012	TSS	270 mg/L	100 mg/L	West Gate

1/21/2012	TSS	890 mg/L	100 mg/L	East Gate
4/11/2012	pH	3.6 s.u.	6-9 s.u.	East Gate
4/11/2012	pH	3.52 s.u.	6-9 s.u.	West Gate
1/21/2012	pH	2.6 s.u.	6-9 s.u.	West Gate
2/8/2013	Zinc	0.66 mg/L	0.26 mg/L	East Gate
2/8/2013	Zinc	1.2 mg/L	0.26 mg/L	West Gate
4/11/2012	Zinc	0.58 mg/L	0.26 mg/L	East Gate
4/11/2012	Zinc	0.26 mg/L	0.26 mg/L	West Gate
2/8/2013	N+N	1.2 mg/L	0.68 mg/L	East Gate
2/8/2013	N+N	1.4 mg/L	0.68 mg/L	West Gate
4/11/2012	N+N	9.7 mg/L	0.68 mg/L	East Gate
4/11/2012	N+N	11 mg/L	0.68 mg/L	West Gate
1/21/2012	N+N	52 mg/L	0.68 mg/L	West Gate
2/8/2013	Iron	15 mg/L	1.0 mg/L	East Gate
2/8/2013	Iron	38 mg/L	1.0 mg/L	West Gate
4/11/2012	Iron	9.9 mg/L	1.0 mg/L	East Gate
4/11/2012	Iron	3.2 mg/L	1.0 mg/L	West Gate
1/21/2012	Iron	3.1 mg/L	1.0 mg/L	East Gate
1/21/2012	Iron	2.4 mg/L	1.0 mg/L	East Gate
2/8/2013	Aluminum	11 mg/L	0.75 mg/L	East Gate
2/8/2013	Aluminum	24 mg/L	0.75 mg/L	West Gate
4/11/2012	Aluminum	7.1 mg/L	0.75 mg/L	East Gate
4/11/2012	Aluminum	2.2 mg/L	0.75 mg/L	West Gate
1/21/2012	Aluminum	2 mg/L	0.75 mg/L	East Gate
1/21/2012	Aluminum	1.6 mg/L	0.75 mg/L	West Gate

The information in the above table reflects data gathered from Cooper B Line self-monitoring during the 2011-2012 and 2012-2013 wet seasons. CCAEJ alleges that during each of those rainy seasons and continuing through today, Cooper B Line has discharged storm water contaminated with pollutants that exceed one or more applicable EPA Benchmarks, including, but not limited to, each of the following:

- Total Suspended Solids – 100 mg/L,;
- pH – 6-9 s.u.;
- Zinc – 0.13 mg/L;
- N+N – 0.68 mg/L;

- Iron – 1.0 mg/L.; and
- Aluminum – 0.75 mg/L

CCA EJ's investigation, including its review of Cooper B Line's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards and the EPA's benchmark values, indicate that Cooper B Line has not implemented BAT and BCT at the facility for its discharges of TSS, pH, Zinc, N+N, Iron, Aluminum and other pollutants in violation of Effluent Limitation B(3) of the General Permit. Cooper B Line was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, Cooper B Line is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed in the table above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CCA EJ alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since at least October 14, 2011, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CCA EJ alleges that Cooper B Line has discharged storm water containing impermissible levels of TSS, pH, Zinc, N+N, Iron, Aluminum and other pollutants in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit.⁵

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the CWA, Cooper B Line is subject to penalties for violations of the General Permit and the Act since at least October 14, 2011

b. Discharges Without an NPDES Permit in Violation of Section 301(a) of the Act.

Information available to CCA EJ indicates that despite the fact that Board received Copper B Line's NOI on June 21, 2012, the Facility had been in continuous operation at the present location since at least 2011, if not earlier. Accordingly, on information and belief CCA EJ alleges that, prior to October 14, 2011, Copper B Line's ongoing discharges of TSS, aluminum, N+N, iron, zinc , and storm water associated with industrial activity occurred without

⁵ The rain dates are all the days when an average of 0.1 or more rain fell as measured by a weather station located at UC Riverside approximately sixteen miles east.

having obtained coverage or otherwise pursuant to the authority of a General Permit or an individual NPDES permit in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

c. Failure To Develop And Implement An Adequate Monitoring And Reporting Program.

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the “quality and quantity of the facility’s storm water discharges from the storm event.”

The above-referenced data was obtained from the Facility’s monitoring program as reported in its sampling results submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by Cooper B Line is not representative of the quality of the Facility’s various storm water discharges and that the Facility failed to monitor all qualifying storm water discharges, CCAEJ alleges that the Facility’s monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit. CCAEJ also alleges in information and belief that Cooper B Line has failed to conduct monthly visual observations of all storm events at the Facility during the following wet seasons:

2011-2012
2012-2013.

Cooper B Line also failed to conduct the required sampling of two storm water events during the 2012-2013 wet season.

The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Cooper B Line is subject to penalties for violations of the General Permit and the Act’s monitoring and sampling requirements since at least October 14, 2011.

d. Failure To Prepare, Implement, Review and Update An Adequate Storm Water Pollution Prevention Plan.

Section A and Provision E(2) of the General Industrial Storm Water Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate SWPPP no later than October 1, 1992. Section A(1) and Provision E(2) requires

dischargers who submitted an NOI pursuant to the General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices (hereinafter “BMPs”) to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)). The SWPPP must also include a certification statement and signature (General Permit, Section C(10)).

CCA EJ’s review of the SWPPP, investigation of the conditions at the Facility as well as Cooper B Line’s Annual Reports indicate that Cooper B Line has been operating with an inadequately developed SWPPP in violation of the requirements set forth above. Cooper B Line has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Cooper B Line has been in continuous violation of Section A and Provision E(2) of the General Permit every day since October 14, 2011, at the very latest, and will continue to be in violation every day that Cooper B Line fails to prepare, implement, review, and update an effective SWPPP. Cooper B Line is subject to penalties for violations of the Order and the Act occurring since October 14, 2011.

e. Failure To File True And Correct Annual Reports.

Section B(14) of the General Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), C(10). Section A(9)(d) of the General Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Industrial Storm Water Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For up to the last five years, Cooper B Line Inc., Eaton Corporation, Kirk S. Hachigian, Alfredo Munoz and its agents, have failed to certify or file any Annual Reports⁶, confirming that the Facility was in compliance with the General Permit. Consequently, Cooper B Line has violated Sections A(9)(d), B(14), C(9) and C(10) of the General Permit every time Cooper B Line failed to submit a complete or correct report and every time Cooper B Line or its agents failed to comply with the Act. Cooper B Line is subject to penalties for violations of Section (C) of the General Permit and the Act occurring since at least October 14, 2011.

III. Persons Responsible For the Violations.

CCA EJ puts Cooper B Line Inc., Eaton Corporation, Kirk S. Hachigian and Alfredo Munoz on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CCA EJ puts Cooper B Line Inc., Eaton Corporation, Kirk S. Hachigian and Alfredo Munoz on notice that it intends to include those persons in this action.

IV. Name And Address Of Noticing Parties.

The name, address and telephone number of CCA EJ is as follows:

Penny Newman
Executive Director
Center for Community Action and Environmental Justice
P.O. Box 33124
Jurupa Valley, CA 92519
Tel. (951) 360-8451

⁶CCA EJ's search of the Regional Board's electronic database and hard copy file for Cooper B Line contained no Annual Reports.

V. Counsel.

CCA EJ has retained counsel to represent it in this matter. Please direct all communications to:

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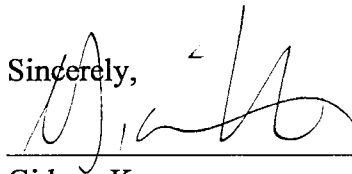
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VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects Cooper B Line to a penalty of up to \$37,500 per day per violation. In addition to civil penalties, CCA EJ will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CCA EJ believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CCA EJ intends to file a citizen suit under Section 505(a) of the Act against Cooper B Line and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CCA EJ would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CCA EJ suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CCA EJ does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Gideon Kracov
The Law Office of Gideon Kracov
Attorneys for Center for Community Action and
Environmental Justice

SERVICE LIST

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U.S. Environmental Protection Agency
12000 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Citizen Suit Coordinator
Environment and Natural Resources Division
Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, DC 20044-7415

Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA 94105

Kurt V. Berchtold, Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street
Suite 500
Riverside, CA 92501-3348

*Served via Certified Mail, Return Receipt Requested.

ATTACHMENT A
Rain Dates, Cooper B Line, Corona, California

11/4/2011	11/6/2011	11/12/2011
11/20/2011	12/12/2011	1/21/2012
1/23/2012	2/15/2012	
2/27/2012	3/17/2012	3/18/2012
4/11/2012	4/13/2012	4/25/2012
4/26/2012	8/30/2012	10/11/2012
11/8/2012	12/12/2012	12/13/2012
12/24/2012	12/29/2012	1/24/2013
1/25/2013	2/8/2013	2/19/2013
3/8/2013	5/6/2013	7/20/2013
10/9/2013	12/7/2013	2/6/2014
2/28/2014	3/1/2014	4/1/2014
4/2/2014		